

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for May 14, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit 421D  
Carriage Hill 4<sup>th</sup> Addition CUP

**PROPOSAL:** Amend the Carriage Hill CUP to retain the existing single family dwelling and allow the construction of four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units.

**LOCATION:** Approximately South 81<sup>st</sup> and "A" Streets.

**WAIVER REQUEST:**

1. Waive sidewalk design standards for an alternate sidewalk location to allow existing trees to remain along "A" Street frontage.
2. Waive street tree design standards to eliminate street trees along "A" Street to allow existing trees to remain along "A" Street frontage.
3. Waive landscape screening design standards for the perimeter of this application to allow existing trees to provide the required screening.

**LAND AREA:** 13.59 acres, more or less.

**CONCLUSION:** The extension of the Carriage Hill CUP will be a use of this property that is consistent with the surrounding area. However, there are items that must yet be addressed.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
Waive sidewalk design standards:	Denial
Waive street tree design standards:	Denial
Waive landscape screening design standards:	Not Applicable

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Existing CUP: Lots 51, 55, and a portion of Lot 58, all Irregular Tracts, located in the SE 1/4 of Section 27-10-7, Lancaster County, Nebraska.

Area of Amendment: Lot 58 I.T., located in the SE 1/4 of Section 27-10-7, Lancaster County, Nebraska.

**EXISTING ZONING:** R-1 Residential

**EXISTING LAND USE:** Single-family residential

**SURROUNDING LAND USE AND ZONING:**

North:	Single-family residential	R-1 Residential
South:	Single-family residential	R-1 Residential
East:	Single-family residential	R-1 Residential
West:	Single-family residential	R-1 Residential

**ASSOCIATED APPLICATIONS:**

Administrative Final Plat # 03033 Carriage Hill 4<sup>th</sup> Addition

**HISTORY:**

Jul 1995	Administrative Final Plat #94083 Schlegel First Addition approved. This platted Outlot A into Lot 1, making it a buildable lot.
Jun 1995	Special Permit #1542 approved 8 units of elderly housing on Outlot A, Schlegel Addition, which was replatted as Lot 1, Schlegel First Addition.
Oct 1994	Administrative Final Plat #94064 Schlegel Addition approved. This platted Lot 49 I.T. into Lot 1 and Outlot A.
May 1990	Special Permit #421C approved to allow for the extension of a deck 2' into the required side and rear yards on Lot 6, Block 4, Carriage Hill 2 <sup>nd</sup> Addition.
Oct 1983	Final Plat #833031 Carriage Hill 3 <sup>rd</sup> Addition approved for 12 multiple family units on one lot.
Jul 1983	Special Permit #421B Carriage Hill 3 <sup>rd</sup> Addition Preliminary Plat and CUP approved for 12 multiple family units on one lot.
Aug 1979	Final Plat #79202 Carriage Hill 2 <sup>nd</sup> Addition approved for 39 lots on 6 blocks and 9 outlots.
May 1979	Prior to the zoning update, this property was zoned A-1 Single Family Dwelling. The update changed the designation to R-1 Residential.

- Feb 1979      Special Permit #421A Carriage Hill 2<sup>nd</sup> Addition Preliminary Plat and CUP approved for 48 lots on 5 blocks and 7 outlots
- Nov 1968      Special Permit #421 Carriage Hill CUP approved. This CUP included the remaining portions of Lots 21 and 22, Irregular Tract, Lots 2,3,4,5, and 6, Block 1, Lots 1, 2, and 5, Block 2, and Lots 4, 5, and 6, Block 3, Carriage Hill Addition.
- Oct 1968      Final Plat Carriage Hill 1<sup>st</sup> Addition approved for 45 lots on 3 blocks.
- Feb 1965      Final Plat #65004 Carriage Hill Addition approved for 48 lots on 6 blocks and 1 outlot.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan shows this property as Urban Residential. (F 25)

"Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods...(F 17)

### **UTILITIES:**

Public water and private sanitary sewer are available and are proposed for extension into this site. Storm sewer is available on the neighboring property to the east. Drainage is proposed to flow along the driveway to the east to existing detention ponds instead of to the north.

### **TRAFFIC ANALYSIS:**

"A" Street is classified by the 2025 Comprehensive Plan as a Minor Arterial both now and in the future. (E49, F103)

This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augment principal arterials, distribute traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

### **ANALYSIS:**

1. This is a proposal to amend the Carriage Hill CUP to retain the existing single family dwelling and allow the construction of four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units. The plan does not create a lot for each new dwelling unit. The four two family structures will be on the same lot.

2. This proposal includes three waiver requests. They are:
  - 2.1 Waive sidewalk design standards for an alternate sidewalk location to allow existing trees to remain along “A” Street frontage. The Parks and Recreation and Public Works & Utilities Departments recommend denial of this request because the existing evergreen trees are not appropriate for public right-of-way. The existing trees also pose a safety hazard. Whether the sidewalk is placed in its standard or an alternate location, the density of the trees will block pedestrians or other hazards from view.
  - 2.2 Waive street tree design standards to eliminate street trees along A Street to allow existing trees to remain along “A” Street frontage. The Parks and Recreation and Public Works & Utilities Departments recommend denial of this request because the existing evergreen trees are not appropriate for public right-of-way. All evergreen trees are specifically prohibited by the Design Standards from being street trees.
  - 2.3 Waive landscape screening design standards for the perimeter of this application to allow existing trees to provide the required screening. The Planning Department suggests this waiver is unnecessary and recommends denial. The Design Standards permit the owner to retain existing landscaping provided the plans demonstrate the minimum design standards will be met. Applicant has not requested to modify any of the design standards.
3. This site currently includes one single-family residence and several accessory buildings. The proposed plan will retain the existing house at its current location, and relocate some buildings next to the residence. Other buildings will be removed.
4. Comments are attached from the Public Works & Utilities, Parks and Recreation, and Lincoln-Lancaster County Health Departments.
5. The Lincoln Electric System will require additional easements, which can be viewed at the Planning Department.
6. Comments have not been received from the Fire and Building and Safety Departments, the School District, Emergency Communications, or the Post Office.
7. The Planning Department is in receipt of a letter from the Carriage Hill Homeowners Association concerned with the potential for increased storm water runoff to intensify existing problems within their development. A copy of this letter is attached. Applicant’s submittal letter does indicate modifications to the existing storm sewer

have been proposed to accommodate the increased run-off from this property. However, no modifications are shown or described on the submitted plans.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 The proposed two family dwellings with the same setback as the existing Carriage park dwellings.
    - 1.1.2 The required 30' easement for the proposed 6" public water main.
    - 1.1.3 The existing fence shown on the plans to remain in the right-of-way needs to be removed or relocated outside of the public right-of-way.
    - 1.1.4 The right-of-way graded to match City of Lincoln standards and the sidewalk located the standard distance from the right-of-way line.
    - 1.1.5 A note stating that any future subdivision of Lot 1 will require the owner to relinquish access to "A" Street and take access via the proposed private drive.
    - 1.1.6 The additional easements required by Lincoln Electric System.
    - 1.1.7 Revised density calculations indicating the density from this site as well as from the original CUP.
    - 1.1.8 Revised legal description using lots and blocks rather than irregular tract numbers.
    - 1.1.9 Rename Carriage Park CUP with proper legal name.
  - 1.2 Revise the grading plan to the satisfaction of Public Works & Utilities that:
    - 1.2.1 Addresses the need for an overflow route from the private drive in the existing development to the detention pond to the east.

- 1.2.2 Shows the minimum opening elevations adjacent to the flow path meet minimum design standards.
    - 1.2.3 Shows the units to the north side of the proposed private drive will drain to the drive.
    - 1.2.4 Shows and clearly describes the proposed changes to the storm system.
  - 1.3 Submit documentation that demonstrates the Carriage Hill Homeowner's Association is satisfied that this development will not intensify or further increase the drainage problems they currently experience.
  - 1.4 Submit a landscape plan that demonstrates that minimum design standards for landscape screens will be met with existing vegetation.
  - 1.5 Submit evidence satisfactory to the Lincoln-Lancaster County Health Department that the existing unused water well has been properly abandoned by a certified well driller or has been reconstructed to meet minimum standards for a water well.
2. This approval permits the extension of the Carriage Hill CUP to allow an additional single family structure, four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units.

General:

3. Before receiving building permits:
- 3.1 The Applicant shall have submitted a revised and reproducible final plan and 5 copies.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats that conform to LMC § 26.11.015 shall be approved administratively by the Planning Director, otherwise Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski  
Planner

Date: April 30, 2003

**APPLICANT:** Frank and Joan Rall  
8110 A Street  
Lincoln, NE 68510  
488.3374

**OWNER:** Same as Applicant

**CONTACT:** Design Associates  
J.D. Burt  
1609 N Street  
Lincoln, NE 68508  
474.3000



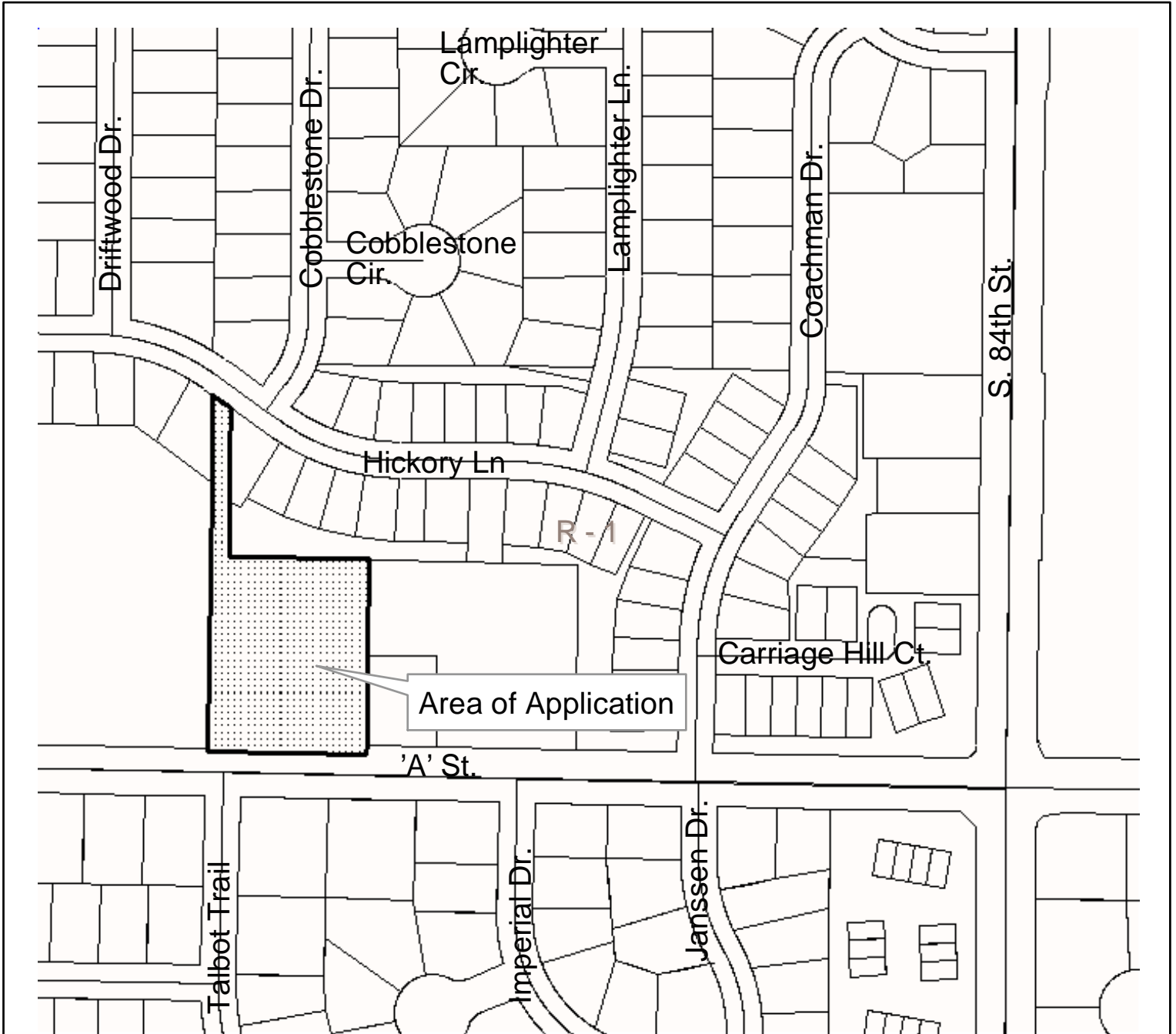


**Special Permit #421D**  
**S. 81st & 'A' St.**  
**Carriage Hill 4th Add.**



Lincoln City - Lancaster County Planning Dept.  
 2002 aerial



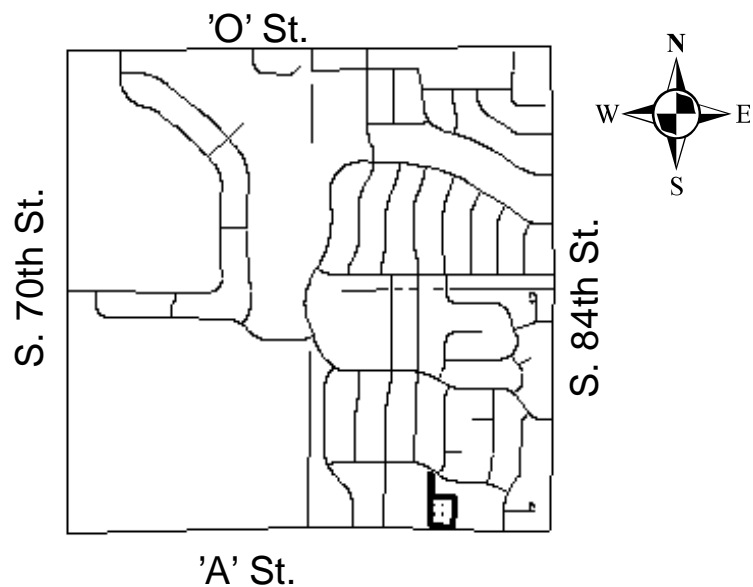
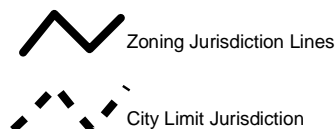


## Special Permit #421D S. 81st & 'A' St. Carriage Hill 4th Add.

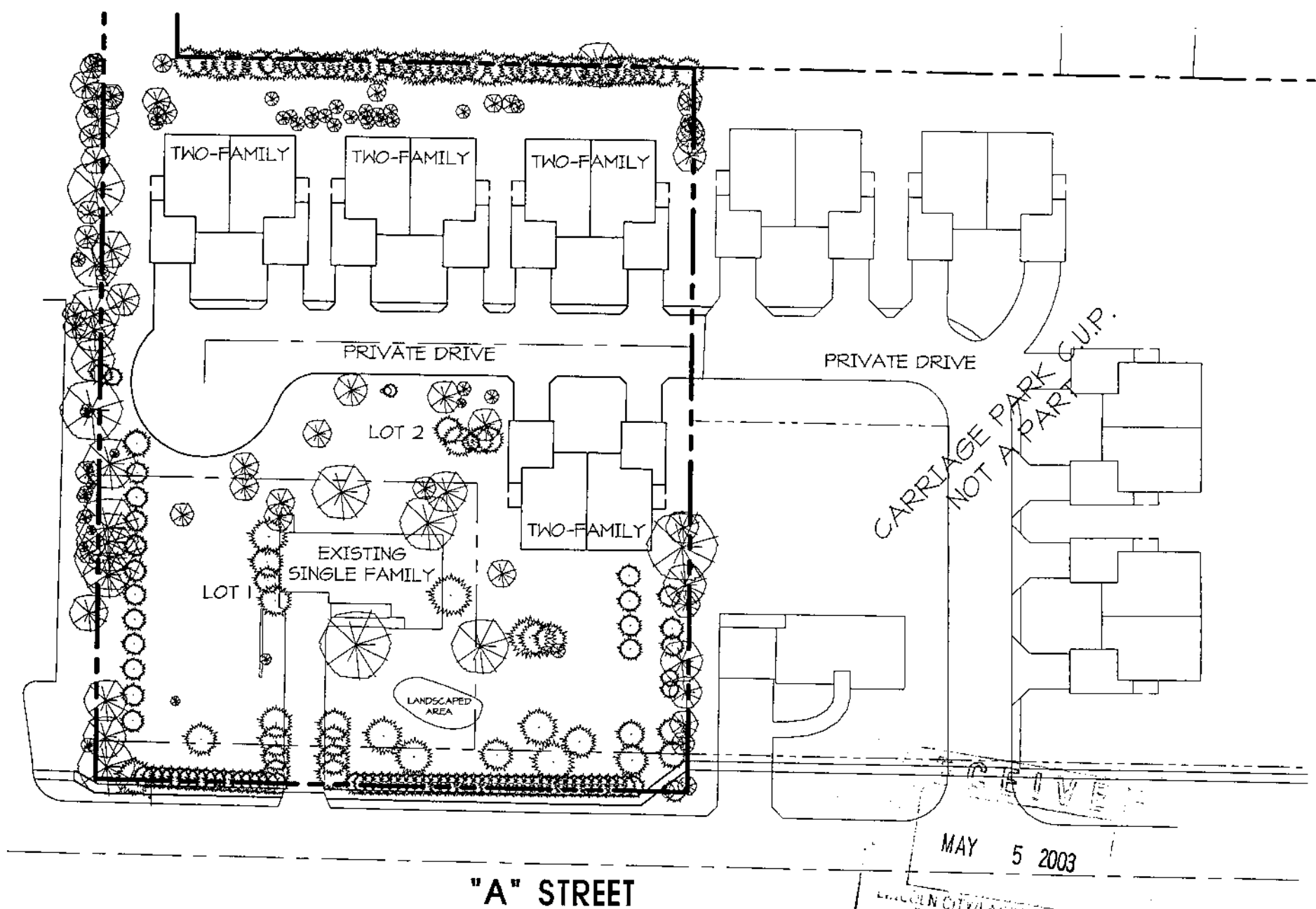
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 27 T10N R7E

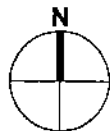






**DESIGN ASSOCIATES** OF LINCOLN, INC

PERSHING SQUARE  
1609 "N" STREET  
LINCOLN NEBRASKA 68508  
voice: 402/474-3000  
fax: 402/474-4045  
desassoc@nebraska.com



## PROPOSED SITE PLAN

SCALE: 1" = 60'

MAY 5 2003

LINCOLN CITY/LANCASTER COMM.  
PLANNING DEPARTMENT

**Design  
Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

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April 10, 2003

Marvin Krout  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Amendment to Special Permit #421- Carriage Hill Community Unit Plan  
Lot 58 I.T., Section 27, T10N, R7E, Lincoln, Lancaster County.

Mr. Krout:

On behalf of Frank and Joan Rall, owners of the referenced property, please accept this correspondence as supplemental information to the attached Special Permit and Administrative Final Plat zoning applications. The Special Permit application requests an amendment to the existing Carriage Hill Community Unit Plan to allow construction of eight (8) additional dwelling units on property located north of "A" Street at Talbot Trail. The proposed density is consistent with the existing R-1 zoning.

The development plan for the 2.16-Acre site includes relocation of an existing garage, removal of one garage and construction of four (4) two-family structures. The site is designed with the three (3) two-family buildings along the north side of the common driveway with the remaining two-family building located along the south side of the driveway. The layout is intended to provide a 'continuation' of the adjacent Carriage Park Community Unit Plan located immediately to the east. Each unit will be available for individual ownership.

The development proposes extension of the existing private driveway and sanitary sewer and extension of the existing public water main to serve the eight (8) new dwelling units. The applicant has discussed inclusion of the Rall property into the existing Carriage Park Homeowners Association. Representatives of the homeowners have indicated their support subject to the sharing of common utility and maintenance costs and other Association responsibilities.

It is our understanding that drainage issues may be of concern to the adjacent properties to the north. The proposed grading plan has been designed to reduce the surface drainage exiting the Rall property to the north by diverting run-off easterly along the east/west driveway. Modifications to the existing storm sewer are proposed in the Carriage Park development to accommodate the increased run-off from the Rall property. This concept has been discussed with representatives of the Carriage Park Association and was found to be generally acceptable.

APR 14 2003

LINCOLN CITY / LANCASTER COUNTY  
PLANNING DEPARTMENT

Consideration has also been given to the existing trees. The plan has been designed to minimize the loss of trees on the site. Tree removal is limited to trees within building envelopes, along the east/west driveway and areas necessary to obtain desired drainage. Based upon the owner's desire to retain existing trees, the following waivers are requested:

- Waiver of design standards for an alternate sidewalk location to allow existing trees to remain along the "A" Street frontage;
- Waiver of design standards to eliminate street trees along the "A" Street frontage to allow existing trees to remain along the "A" Street frontage; and
- Waiver of screening requirements along the perimeter of this application to allow existing trees to be retained in lieu of required screening.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

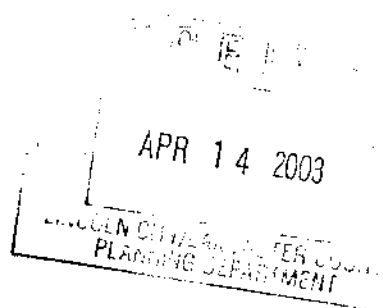
Best regards,



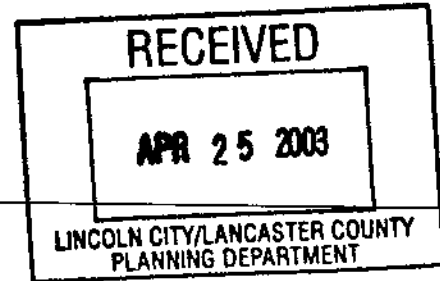
J.D. Burt  
For the firm

Attachments: Amendment to Carriage Hill Community Unit Plan

cc w/ attachments: Frank and Joan Rall



# Memorandum



<b>To:</b>	Greg Czaplewski, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities
<b>Subject:</b>	Carriage Hill 4th Addition Special Permit
<b>Date:</b>	4/23/03
<b>cc:</b>	Randy Hoskins Devin Biesecker

Engineering Services has reviewed the special permit for Carriage Hill 4th Addition, located at approximately South 81st Street and A Street, and has the following comments:

- Show the required 30' easement for the proposed 6" public water main.
- The existing fence shown on the plans to remain in the right of way needs to be removed or relocated outside of the public right of way.
- The existing trees along A Street are not appropriate for the public right of way. Public Works recommends that the right of way be graded to match City of Lincoln Standards and the sidewalk to be located the standard distance from the right of way line.
- The low point in the private drive in the existing development to the east of this project appears to have no safe overflow route to the detention pond located further to the east. It appears that the garage openings to the adjacent dwellings are very close, if not equal to the elevation of the flow path. Adding the additional drainage from the proposed development will compound this potential problem.
- The letter states that the site will be graded to drain to the east along the private driveway and that modifications are proposed to the existing storm system in the development to the east. The grading plan needs to be revised to show that the units on the north side of the proposed private drive will drain to the drive. Also, the proposed changes to the storm system need to be shown and/or clearly described.
- A note needs to be added stating that any future subdivision of Lot 1 will require the owner to relinquish access to A Street and take access via the proposed private drive.

# Memo



**To:** Greg Czaplewski, Planning Department  
**From:** Mark Canney, Parks & Recreation  
**Date:** May 2, 2003  
**Re:** Carriage Hill 4<sup>th</sup> Addition SP 4216 AFP 03033

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

Field inspection done and the following noted:

1. Existing cedars on 'A' Street are as shown on plan submitted. Our office defers to the recommendation of Public Works, which recommends the existing trees are not appropriate for public row, the row should be graded, and the sidewalk placed at its standard location.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Greg Czaplewski

**DATE:** April 23, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Doug Smith, REHS

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director

**SUBJECT:** Carriage Hill 4<sup>th</sup>  
Addition

EH File  
EH Administration

SP #421 D AFP #03033

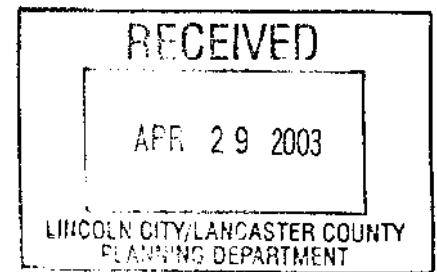
The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit and administrative final plat and conducted an onsite inspection. The following items are noted:

- Sewage disposal will be the City of Lincoln sanitary sewer.
- Water supply will be the Lincoln Water System.
- An unused water well exists on the property. This well must be properly abandoned by a certified well driller or it must be reconstructed to meet minimum standards for a water well. If the well is reconstructed, a bi-annual well permit must be obtained from LLCHD.
- Prior to demolition or renovation of any existing commercial structure, an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be

incorporated as necessary.

- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

April 28, 2003



Roger Figard  
City Engineer  
Public Works Department  
531 Westgate Blvd., Suite 100  
Lincoln, NE 68528

Dear Roger:

This letter is in regards to a proposed townhouse development at 81<sup>st</sup> & "A" Streets, owner being Frank & Joan Rall and architect is J.D. Burt of Design Associates.

I am writing this letter on behalf of the Carriage Hill Homeowners Association, which is comprised of 49 families living along Hickory Lane, Coachman's Lane, and Carriage Hill Court.

As you may recall, several years ago, another townhouse development was constructed just east and adjacent to this location, and was built by Jerry Joyce. Because of the open stream, the development was modified and the number of proposed townhouses was reduced, and two holding ponds were constructed to slow down the storm water runoff which flows north into an open grate located in our commons area, which then connects to the storm sewer in Hickory Lane.

The new proposal is designed such that storm water which currently is absorbed into the existing ground, will be flowing from the new street and roof tops into the second of the two holding ponds.

Our Board of Directors feels that this additional runoff will exceed the capacity of the holding pond during certain, heavy rains. This will then cause unnecessary flooding onto the surface of our lawn and commons areas.

We expressed our concern at an open house on April 15, 2003, which the architect hosted, but he assured us that the proper engineering design concerns had been evaluated and there would not be any flooding or problem with the extra storm water. However, he said that he would not put this in writing.

It should be noted that to handle the additional runoff on their property, the currently existing drainage opening on the neighboring Association land will be made larger by the new developer so as to capture the additional runoff from this newly developed area. It would seem logical to us that if the existing drain to the holding pond needs to be increased in size in the neighboring development, that some increase in the size of the storm sewer opening on our property and the 36 inch pipe under our property would need

to be increased in size to handle this additional runoff. In fact, even now with heavy rains, there is still pooling of water out in the open area of our Association lawn before it can drain into the existing pipe going into Hickory Lane.

The Carriage Hill Homeowners Association is hereby going on record as to having grave concerns about this project and we want to prevent a potential problem from happening.

We would appreciate your (the City's) opinion on this runoff issue since Mr. Burt had indicated "engineers" had reviewed and approved the current pond and sewer size on our property as being adequate.

We, therefore, urge you to please review this proposed development.

Sincerely,

A handwritten signature in cursive script, appearing to read "Les Tyrrell".

Les Tyrrell, President  
Carriage Hill Homeowners Association  
8320 Carriage Hill Court  
Lincoln, NE 68510

Copies to:     Ray Hill, City Planning Department  
                 Mayor Don Wesely  
                 Jon Camp, City Council  
                 Jonathan Cook, City Council  
                 Glenn Friendt, City Council  
                 Anette McCroy, City Council  
                 Coleen Seng, City Council  
                 Ken Svoboda, City Council  
                 Terry Warner, City Council